

(2) *Further Action After a Nonjury Trial.* After a nonjury trial the court may, on motion for a new trial, open the judgment if one has been entered, take additional testimony, amend findings of fact and conclusions of law or make new ones, and direct the entry of a new judgment.

(e) Motion to Alter or Amend Judgment. A motion to alter or amend a judgment must be filed no later than 28 days after the entry of the judgment.

Plaintiff asserts that his failure to comply with the order of the court was due to circumstances beyond his control. Plaintiff claims his mail is being held or discarded. Plaintiff alleges that he submitted two motions for extension of time which were not received by the court. Additionally, plaintiff asserts his access to legal resources is limited due to his confinement in segregation.

After careful consideration of plaintiff's motion, the court is of the opinion that plaintiff's motion sets forth a meritorious ground warranting reconsideration of the court's final judgment so plaintiff may have another opportunity to either pay the filing fee or submit an application to proceed *in forma pauperis*. The court will provide plaintiff an additional twenty days from the date of this order in which to comply with the court's order of July 26, 2021.

ORDER

For the reasons set forth above, plaintiff should be granted another opportunity to prosecute his lawsuit by paying the filing fee or submitting a proper application to proceed *in forma pauperis*. Accordingly, it is

ORDERED that plaintiff's motion for reconsideration is **GRANTED**. It is

ORDERED that plaintiff is **GRANTED** an extension of twenty days from the date of this order in which to either pay the \$402.00 filing fee or submit a proper application to proceed *in forma pauperis* in this action. It is further

ORDERED that the Clerk of Court is **DIRECTED** to forward to plaintiff a copy of the court's order filed July 26, 2021 (#2) along with his copy of this order.

SIGNED at Beaumont, Texas, this 13th day of September, 2022.



MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE